

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/773,562-Conf. #3555
	Filing Date	February 6, 2004
	First Named Inventor	Kenji Inaba
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	02008/146001

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Combined Declaration and Power of Attorney Application Data Sheet Filing Fee for the Application (as shown on accompanying Fee Transmittal) Substitute Specification Formal Drawings
Remarks		

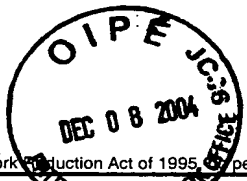
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	OSHA & MAY L.L.P.		
Signature			
Printed name	Thomas K. Scherer		
Date	December 8, 2004	Reg. No.	45,079

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Dated: December 8, 2004

Signature: (Lisa H. Smith)



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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2005 <small>Effective 10/01/2004. Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/773,562-Conf. #3555
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	February 6, 2004
		First Named Inventor	Kenji Inaba
TOTAL AMOUNT OF PAYMENT (\$) 1,480.00		Examiner Name	Not Yet Assigned
		Art Unit	N/A
		Attorney Docket No.	02008/146001

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																					
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Deposit Account <input type="checkbox"/> None Deposit Account Number: 50-0591 Deposit Account Name: Osha & May L.L.P. The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments To the above-identified deposit account. <input type="checkbox"/> Other (please identify):		2. EXTRA CLAIM FEES <table border="1"><thead><tr><th>Fee Description</th><th>Fee (\$)</th><th>Small Entity Fee (\$)</th></tr></thead><tbody><tr><td>Each claim over 20</td><td>18</td><td>9</td></tr><tr><td>Each independent claim over 3</td><td>88</td><td>44</td></tr><tr><td>Multiple dependent claims</td><td>300</td><td>150</td></tr><tr><td>For Reissues, each claim over 20 and more than in the original patent</td><td>18</td><td>9</td></tr><tr><td>For Reissues, each independent claim more than in the original patent</td><td>88</td><td>44</td></tr><tr><td>Total Claims</td><td>Extra Claims</td><td>Fee (\$)</td><td>Fee Paid (\$)</td></tr><tr><td>4 - 20 or HP =</td><td>x</td><td>=</td><td>0.00</td></tr><tr><td colspan="4">HP= highest number of total claims paid for, if greater than 20</td></tr><tr><td>Indep. Claims</td><td>Extra Claims</td><td>Fee (\$)</td><td>Fee Paid (\$)</td></tr><tr><td>1 - 3 or HP =</td><td>x</td><td>=</td><td>0.00</td></tr><tr><td colspan="4">HP= highest number of independent claims paid for, if greater than 3</td></tr><tr><td colspan="2">Multiple Dependent Claims</td><td>Fee (\$)</td><td>Fee Paid (\$)</td></tr><tr><td colspan="2"></td><td></td><td></td></tr><tr><td colspan="2">Subtotal (2)</td><td>\$</td><td>0.00</td></tr></tbody></table>		Fee Description	Fee (\$)	Small Entity Fee (\$)	Each claim over 20	18	9	Each independent claim over 3	88	44	Multiple dependent claims	300	150	For Reissues, each claim over 20 and more than in the original patent	18	9	For Reissues, each independent claim more than in the original patent	88	44	Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	4 - 20 or HP =	x	=	0.00	HP= highest number of total claims paid for, if greater than 20				Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	1 - 3 or HP =	x	=	0.00	HP= highest number of independent claims paid for, if greater than 3				Multiple Dependent Claims		Fee (\$)	Fee Paid (\$)					Subtotal (2)		\$	0.00																														
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1. BASIC FILING FEE <table border="1"><thead><tr><th>Fee Description</th><th>Fee (\$)</th><th>Small Entity Fee (\$)</th><th>Fee Paid (\$)</th></tr></thead><tbody><tr><td>Utility Filing Fee</td><td>790</td><td>395</td><td>790.00</td></tr><tr><td>Design Filing Fee</td><td>350</td><td>175</td><td></td></tr><tr><td>Plant Filing Fee</td><td>550</td><td>275</td><td></td></tr><tr><td>Reissue Filing Fee</td><td>790</td><td>395</td><td></td></tr><tr><td>Provisional Filing Fee</td><td>160</td><td>80</td><td></td></tr><tr><td colspan="2">Subtotal (1)</td><td>\$</td><td>790.00</td></tr></tbody></table>		Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)	Utility Filing Fee	790	395	790.00	Design Filing Fee	350	175		Plant Filing Fee	550	275		Reissue Filing Fee	790	395		Provisional Filing Fee	160	80		Subtotal (1)		\$	790.00	3. OTHER FEES <table border="1"><thead><tr><th>Fee Description</th><th>Fee (\$)</th><th>Small Entity Fee (\$)</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1-month extension of time</td><td>110</td><td>55</td><td></td></tr><tr><td>2-month extension of time</td><td>430</td><td>215</td><td>430.00</td></tr><tr><td>3-month extension of time</td><td>980</td><td>490</td><td></td></tr><tr><td>4-month extension of time</td><td>1,530</td><td>765</td><td></td></tr><tr><td>5-month extension of time</td><td>2,080</td><td>1,040</td><td></td></tr><tr><td>Information disclosure stmt. Fee</td><td>180</td><td>180</td><td></td></tr><tr><td>37 CFR 1.17(q) processing fee</td><td>50</td><td>50</td><td></td></tr><tr><td>Non-English specification</td><td>130</td><td>130</td><td>130.00</td></tr><tr><td>Notice of Appeal</td><td>340</td><td>170</td><td></td></tr><tr><td>Filing a brief in support of appeal</td><td>340</td><td>170</td><td></td></tr><tr><td>Request for oral hearing</td><td>300</td><td>150</td><td></td></tr><tr><td>Other: 1051 Surcharge-Late filing fee</td><td></td><td></td><td>130.00</td></tr><tr><td colspan="2">Subtotal (3)</td><td>\$</td><td>690.00</td></tr></tbody></table>		Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid	1-month extension of time	110	55		2-month extension of time	430	215	430.00	3-month extension of time	980	490		4-month extension of time	1,530	765		5-month extension of time	2,080	1,040		Information disclosure stmt. Fee	180	180		37 CFR 1.17(q) processing fee	50	50		Non-English specification	130	130	130.00	Notice of Appeal	340	170		Filing a brief in support of appeal	340	170		Request for oral hearing	300	150		Other: 1051 Surcharge-Late filing fee			130.00	Subtotal (3)		\$	690.00
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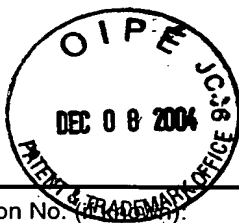
SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	45,079
Name (Print/Type)	Thomas K. Scherer	Telephone	(713) 228-8600
		Date	December 8, 2004

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Dated: December 8, 2004

Signature:

(Lisa H. Smith)



Application No. (if known):

Attorney Docket No.: 02008/146001

Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 8, 2004
Date

Signature

Lisa H. Smith

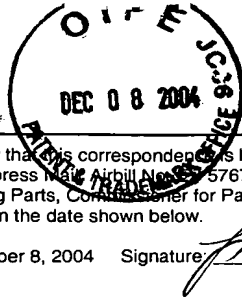
Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Application Data Sheet (2 pages)
Declaration and POA for Patent Application (4 pages) (Signed)
Filing Fee (as shown on accompanying Fee Transmittal)
Substitute Specification, 21 pages; w/Verification of Translation (1 page)
Replacement sheets - Formal Drawings (4 figures, 4 pages)
Part 2 Copy of Notice (2 pages)
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 pg)
Response to Notice to File Missing Parts of Application (2 pages)
Transmittal form (1 page)
Payment by credit card. Form PTO-2038 is attached (\$1,480)



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Dated: December 8, 2004

Signature

(Lisa H. Smith)

Docket No.: 02008/146001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenji Inaba et al.

Application No.: 10/773,562

Filed: February 6, 2004

For: TESTING APPARATUS

Confirmation No.: 3555

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed August 9, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Application Data Sheet, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), a Substitute Specification, Formal Drawings (4 figures, 4 pages), and Part 2 Copy of Notice.

Please charge our Credit Card in the amount of \$1,480.00 covering the fee set forth in 37 CFR 1.17(a)(2), 1.16(e), and 1.16(a). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit


Application No.: 10/773,562

Docket No.: 02008/146001

Account No. 50-0591, under Order No. 02008/146001. A duplicate copy of this paper is enclosed.

Dated: December 8, 2004

Respectfully submitted,

By 

Thomas K. Scherer
Registration No.: 45,079
OSHA & MAY L.L.P.
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)

12-09-04

IFW



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 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/773,562	02/06/2004	Kenji Inaba	02008.146001

CONFIRMATION NO. 3555

FORMALITIES LETTER



OC000000013484422

Jonathan P. Osha
 ROSENTHAL & OSHA L.L.P.
 Suite 2800
 1221 McKinney St.
 Houston, TX 77010

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/10/2004 HHEKONEN 00000023 10773562

01 FC:1252	450.00 OP
02 FC:1001	790.00 OP
03 FC:1051	130.00 OP
04 FC:1053	110.00 OP

FILED UNDER 37 CFR 1.53(b)

20.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing figures contain text that is not in English (including, for example, a flow

chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) ALL.

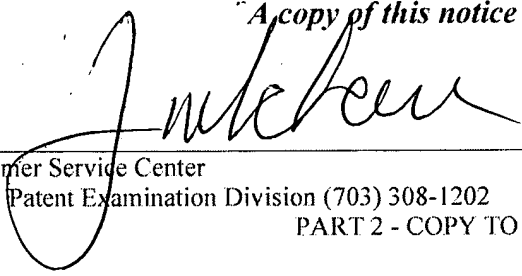
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1030** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE